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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,329	05/30/2001	John A. Morrison	10010651-1	1189

7590 09/08/2004

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,329

Applicant(s)

MORRISON ET AL.

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This is in responsive to amendment filed on July 30, 2004.
2. Claims 1 – 17 are pending with application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sun et al. [hereinafter as Sun], US Patent 6,732,264 B1.

5. As to claim 1, Sun discloses a system and method of booting a computer system comprising:

a. testing [by determining case has been opened since last boot] for an intrusion [hardware has been added or removed from the system] into a first hardware component [computer system][col. 3, lines 40 – 46]; and

b. configuring [by loading configuration data] said first component [computer system] from a stored profile [loading configuration data is inherently done from storage device (memory) which stores configuration data] if an intrusion was not detected [not changed][col. 3, lines 38 – 65, fig. 1].

6. As to claim 2, Sun teaches to construct a profile [by performing hardware enumeration process] for said first hardware component [computer system with unopened case since last boot]

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if an intrusion was detected [by determining that the case has been opened since last boot]; and storing said profile for a first hardware component [storing a profile and configuration data is inherent to system] [col. 4, lines 13 – 18].

7. As to claim 3, it is inherent to computer system boot up process to configure a second [added] component from information discovered [during boot up] about said component.

8. As to claim 4, Sun teaches that information [of hardware change] is discovered [detected] regardless of detection of an intrusion [hardware has been added to or removed from the system] into said second component [system after first time boot] [col. 4, lines 5 – 13].

9. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kang, US Patent 6,434,696.

10. As to claim 1, Kang discloses a system and method of booting a computer system comprising:

a. testing [determining] for an intrusion[change] into a first hardware [attached device] component [of computer system][col. 3, lines 40 – 46]; and

b. configuring [by restoring configuration information] said first hardware [attached device] component [computer system] from a stored profile [saved in a disk] if an intrusion was not detected [not changed][col. 2, lines 3 – 15, 60 – 67, col. 3, lines 5 – 26, and col. 4, lines 5 – 22, fig. 5].

11. As to claim 5, Kang discloses a system and method for quickly booting a computer system comprising:

a. storing [saving] a profile [configuration information] for each of a plurality of [software and hardware] components [CONFIG.SYS, AUTOEXE.BAT, and devices];

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- b. detecting [determining] an intrusion [change] into at least one of said plurality of components [either CONFIG.SYS or AUTOEXE.BAT];
 - c. discovering characteristics [configuration information] about said at least one of said plurality of components [either CONFIG.SYS or AUTOEXE.BAT][col. 2, lines 3 – 15, 60 – 67, col. 3, lines 5 – 9, lines 17 – 26, col. 4, lines 11 – 22, fig. 5].
- 12. As to claim 9, Kang discloses a computer system comprising:
 - a. a chassis [system] intrusion [configuration change] detection [determining] system; and
 - b. a state machine [it is a well-known way of representing different state (i.e. mode or conditions of being) for different conditions] that configures a component of said computer system from a stored [saved] profile of said component [by retrieving configuration information] if said chassis intrusion detection system indicates that said component has not been altered [changed] and configures said component from information discovered [by loading and executing changed files] about said component [the changed files are loaded into memory and then executed to form a new boot configuration information] if said chassis intrusion detection system indicates that said component may have been altered [if it is determined that either CONFIG.SYS or AUTOEXE.BAT was changed] [col. 4, lines 11 – 22, fig. 5].
- 13. As to claim 14, Kang discloses a system with program storage medium readable by computer [memory or hard disk or storage device] and method for quickly booting a computer system comprising:

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- a. reading an indicia that indicates whether a change may have been made to a component [it is inherent to a step of determining a change in configuration information] [col. 5, lines 37 – 65, col. 6, lines 1 – 6];
 - b. discovering information [checking boot informations] about said component indicates a change may have been made to say component [if it is determined that either CONFIG.SYS or AUTOEXE.BAT was changed] and configuring said component based upon said discovered information [the changed files are executed to form a new boot configuration information] [col. 4, lines 13 – 16, col. 5, lines 27 – 67, col. 6, lines 1 - 6];
 - c. configuring said component based upon stored [saved] information [by retrieving saved boot configuration information] if said indicia indicates a change has not been made into said component [if CONFIG.SYS and AUTOEXE.BAT are not changed] [col. 4, lines 13 – 22, col. 5, lines 27 – 67, col. 6, lines 1 – 6, fig. 5].
14. As to claims 2, and 6, Kang teaches to construct a profile [boot configuration information] for said first component if an intrusion was detected [the changed files are executed to form a new boot configuration information]; and storing [saving] said profile for a first component [col. 4, lines 13 – 18].
15. As to claims 3, and 8, Kang teaches to configure a second component from information discovered about said component [by retrieving saved boot configuration information] [col. 4, lines 5 – 22].
16. As to claim 4, Kang teaches that information is discovered [retrieved] regardless of detection of an intrusion into said second component [configuration information is retrieved for

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the first (not changed) component is performed regardless of detection of changed into second component] [col. 4, lines 5 – 22, col. 5, lines 36 - 43].

17. As to claim 7, Kang teaches configuring a set of plurality of component [devices] using said profile [configuration information] for plurality of components [devices] wherein set of said plurality of components [software components] are not members [it is inherent to the software component for not to be a members of hardware component] of said at least one of [hardware] plurality of components [col. 4, lines 5 – 22].

18. As to claims 10, and 11, Kang teaches a chassis [system] intrusion [configuration change] detection [determining] system comprises a service processor [MICOM for controlling peripheral devices][MICOM], and switches [connection detection] coupled to said service processor [MICOM] whereby the state of at least one of said switches indicates when at least one access panel on chassis is open [not connected intact][it is inherent to computer system to detect when one of peripheral (keyboard, mouse) is open [not connected]] [col. 1, lines 21 – 22, fig.1].

19. As to claim 12, Kang discloses Kang teaches a chassis [system] intrusion [configuration change] detection [determining] system comprises a power supply [7, fig. 1], and a standby power supply [it is inherent to computer system].

20. As to claim 13, Kang teaches a state machine [it is a well-known implementation technique] to configure said component from discovered information [retrieved from saved configuration of information] when said power supply and a standby power supply are turned off [it is inherent to reboot the system] [col. 4, lines 1 – 22].

21. As to claims 15, and 16, Kang teaches a computer system wherein said indicia [interrupt] correspond to whether an access panel has been opened and to whether main and standby power

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has been turned off [it is inherent to computer system to have a different interrupts corresponds to occurring of different events].

22. As to claims 15, and 16, Kang teaches a computer system wherein said indicia [interrupt] correspond to whether an access panel has been opened and to whether main and standby power has been turned off [it is inherent to computer system to have a different interrupts corresponds to occurring of different events].

23. As to claim 17, Kang discloses program storage medium wherein a main processor [1, CPU] communicates with said service processor [MICOM] to read said indicia [interrupt][fig. 1].

Response to Arguments

24. Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive.

25. In reference to claim 1, examiner disagrees with applicant's arguments that "Kang does not disclose or suggest detecting intrusion into a hardware component" as it is inherent to computer system to detect a new or change in attached devices at the booting/power-on system by testing [diagnosing and obtaining a status of devices] for attached devices [col. 2, lines 3 – 17, col. 3, lines 4 - 15].

26. In reference to claim 5, examiner agrees with applicant argument that Kang discloses saving "boot configuration information" but disagrees with "Kang therefore stores a single profile, not "a profile for each of a plurality of components." Furthermore, Kang does not disclose "discovering characteristics about said at least one of said plurality of components" as it is inherent to BIOS code execution to diagnose and initialize devices attached to the computer system and obtain the status of the devices [col. 2, lines 3 – 17, col. 4, lines 36 - 45].

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27. In reference to claim 9, arguments regarding “chasis equivalent to Kang’s computer system” examiner is aware of the definition of chasis, and examiner’s equating Kang’s system with chasis, as system has inherently an enclosure or mechanical structure or chasis for enclosing/holding different components and is known to one of ordinary skill in art. And examiner disagrees with applicant’s argument that “Kang does not disclose or suggest a chasis intrusion detection system” as it is performed indirectly by detection of a new or change in attached devices at the booting/power-on system by testing [diagnosing and obtaining a status of devices] for system devices attached to or removed from chasis [col. 2, lines 3 – 17]. And also examiner disagrees with applicants argument that “Kang does not disclose a state machine” as state machine is a well-known way of representing different state [i.e. mode or conditions of being] for different conditions. And since Kang discloses two different states of normal boot and quick boot depending upon conditions of intrusion [change] detected or not detected respectively [col. 5, lines 22 – 49, fig. 5].

28. In reference to claim 14 examiner disagrees with applicant’s argument regarding “Kang does not disclose or suggest discovering information [checking boot informations] about component [device] ” as it is inherent to BIOS code execution by checking for new devices, diagnose and initialize devices attached to the system and obtain the status of the device [col. 2, lines 2 – 17, and lines 61 – 67, col. 5, lines 37 – 67, col. 6, lines 1 - 6]. And also examiner disagrees regarding applicant’s arguments “Kang merely discloses processing instructions contained in those files during a normal boot process. Kang does not disclose configuring COFIG.SYS and AUTOEXE.BAT files” as it, discloses that in normal boot [not a quick boot]

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when a change is detected CONFIG.SYS is loaded into memory and statements therein are executed, and also discloses execution of AUTOEXEC.BAT files too [col. 4, lines 27 – 45].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994 [571-272-3675 after October 15, 2004]. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 703-308-1159 [571-272-3670 after October 2004]. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
September 2, 2004


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